

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

GEORGE R. LABRUTTO and  
DEBBIE D. RAGONA,

Case No.:

14-14557-VFP

Judge:

Vincent F. Papalia

Chapter:

13

Debtor(s)

**Chapter 13 Plan and Motions**

Original

Modified/Notice Required

Discharge Sought

Motions Included

Modified/No Notice Required

No Discharge Sought

Date: April 25, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

The Debtors have paid \$10,946.00 over thirty seven (37) months, and;

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 337.00 per month to the Chapter 13 Trustee, starting on May 1, 2017 for approximately 23 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property

Description: 276 Seaton Avenue, Roselle Park, NJ 07204-1537

Proposed date for completion: 6 mos. from Conf. Order

Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e.  Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Marie-Ann Greenberg Middlebrooks Shapiro, P.C.	Chapter 13 Trustee (Administrative) Legal Fees and Costs (Administrative)	10% \$2,000.00 plus any additional fees and costs to be awarded by the Court.
Internal Revenue Service State of New Jersey	Taxes (Priority) Taxes (Priority)	\$8,838.59 (POC#7-2) \$3,308.05 (POC#14-1)

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

\*Subject to change during normal servicing of loan.

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
MidFirst Bank (1st Mortgage)	Residence	\$41,812.17 (Docket No. 196 Order Resolving Motion for Relief)	4.625% (POC#18-1)	\$41,812.17 (Docket No. 196 Order Resolving Motion for Relief)	\$1,348.34* (Notice of Mortgage Payment Change dated 10/10/16)
Wells Fargo (2nd Mortgage)	Residence	\$0.00 (Per Consent Order, Docket No. 104) (POC#13-1)	0.00% (Per Consent Order, Docket No. 104) (POC#13-1)	\$0.00 (Per Consent Order, Docket No. 104) (POC#13-1)	\$207.19 (Per Consent Order, Docket No. 104)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral,” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Wells Fargo (3rd Mortgage)	Residence	\$51,608.26 (POC#17-1)	\$135,000	\$216,614.50	\$0.00	0.00%	Treated as a completely general unsecured claim.

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 Not less than \_\_\_\_\_ percent  
 *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Wells Fargo (3rd Mortgage) (POC#17-1)	Residence	Treated as a completely general unsecured claim.

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

#### Part 8: Other Plan Provisions

##### a. Vesting of Property of the Estate

- Upon confirmation  
 Upon discharge

##### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

##### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

1) Trustee commissions

2) Administrative / Legal Fees and Costs

3) Priority Unsecured Claims

4) Secured Claims

5) General Unsecured Claims

##### d. Post-Petition Claims

The Trustee  is,  is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 01/13/2017 - Docket No. 209.

Explain below **why** the plan is being modified:

To obtain additional time for the Debtors to accomplish the proposed sale of their residence 276 Seaton Avenue, Roselle Park, NJ 07204-1537 (the "Property").

Explain below **how** the plan is being modified:

Part 1(a) is modified to reflect the amounts paid to date and also to reflect the amount of time remaining under Chapter 13 Plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?  Yes  No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: April 26, 2017

/s/Angela Nascondiglio

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: April 26, 2017

/s/George R. LaBrutto

Debtor

Date: April 26, 2017

/s/Debbie D. Ragona

Joint Debtor

In re:  
George R. LaBrutto  
Debbie D. Ragona  
Debtors

Case No. 14-14557-VFP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 55

Date Rcvd: Apr 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 29, 2017.

db/jdb George R. LaBrutto, Debbie D. Ragona, 276 Seaton Avenue, Roselle Park, NJ 07204-1537  
r +Rosa Agency Realtors, 540 North Avenue, Union, NJ 07083-7148  
lm Wells Fargo Bank, NA, PO Box 650828, Dallas, TX 75265-0828  
514703888 +ALTAIR OH XIII, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
514624136 American Express, PO Box 1270, Newark, NJ 07101-1270  
514624137 +American Express, Po Box 3001, 16 General Warren Blvd, Malvern, PA 19355-1245  
514794679 American Express Centurion Bank, c o Becket and Lee, POB 3001, Malvern, PA 19355-0701  
514624139 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Bank Of America, Attention: Recovery Department,  
4161 Piedmont Pkwy., Greensboro, NC 27410)  
514624144 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
(address filed with court: Citibank Sd, Na, Attn: Centralized Bankruptcy, Po Box 20363,  
Kansas City, MO 64195)  
514624141 +Cach of NJ, LLC, c/o Fein Such Kahn & Shepard, 7 Century Drive, Suite 201,  
Parsippany, NJ 07054-4609  
514624142 +Capital One Bank, Attn: Bankruptcy Dept., Po Box 30285, Salt Lake City, UT 84130-0285  
514624143 +Chase, Po Box 15298, Wilmington, DE 19850-5298  
514624145 CitiMortgage, Inc., Attn: Customer Research Team, PO Box 10002, Hagerstown, MD 21747-0002  
514869396 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA 50368-8971  
514624146 +Client Services, Inc, 3451 Harry Truman Blvd., Saint Charles, MO 63301-9816  
514624147 +Comenity Bank/Dress Barn, Attention: Bankruptcy, P.O. Box 182686, Columbus, OH 43218-2686  
514653463 +Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,  
Mason, OH 45040-8053  
514624149 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999  
514624150 +Fein, Such, Kahn & Shepard, P.C., 7 Century Drive, Suite 201, Parsippany, NJ 07054-4673  
514624151 GE Capital Retail Bank, c/o Eichenbaum & Stylinou, LLC, 10 Forest Avenue, Suite 300,  
PO Box 914, Paramus, NJ 07653-0914  
514624154 Jacob Collection Group, LLC, 2623 West Oxford Loop, Oxford, MS 38655-5442  
514624155 +Lyons Doughty & Veldhuis, P.C., 136 Gaither Drive, Suite 100, P.O. Box 1269,  
Mount Laurel, NJ 08054-7269  
514624156 +Mauti Medical & Sports Medicine Assoc., c/o Glazer & Kamel, 1207 Grand Street, 3rd Floor,  
Elizabeth, NJ 07201-2328  
516241949 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051  
516241950 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118, MidFirst Bank,  
999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051  
514624157 Monarch Recovery Management, Inc., PO Box 1+6119, Philadelphia, PA 19114-0589  
514624158 +National Recovery Agen, 2491 Paxton St, Harrisburg, PA 17111-1036  
514822968 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Section,  
PO Box 245, Trenton, NJ 08695-0245)  
514624159 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
514624160 +Security Credit Servic, Po Box 1156, Oxford, MS 38655-1156  
514624161 +State of New Jersey, Division of Taxation, Revenue Processing Center, PO Box 11,  
Trenton, NJ 08601-0011  
514838942 +TD BANK USA, N.A., C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,  
SEATTLE, WA 98121-3132  
514624162 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673  
514701780 +WELLS FARGO BANK, N.A., PO BOX 10438, MAC: X2505-036, DES MOINES, IA 50306-0438  
514624164 +Wells Fargo, Po Box 60510, Los Angeles, CA 90060-0510  
514624165 +Wells Fargo Bank, Po Box 14517, Des Moines, IA 50306-3517  
514624166 +Wells Fargo Bank Nv Na, Attn: Deposits Bankruptcy MAC# P6103-05K, Po Box 3908,  
Portland, OR 97208-3908  
514810815 Wells Fargo Bank, N.A., Home Equity Group, 1 Home Campus X2303-01A,  
Des Moines, IA 50328-0001  
514624167 Wells Fargo Bank, N.A., PO BOX 650828, Dallas, TX 75265-0828  
514865439 +Wells Fargo Bank, NA, 1 Home Campus MAC X2303-01A, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 28 2017 11:47:50 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Apr 28 2017 11:47:47 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
514624138 +E-mail/Text: legal@arsnational.com Apr 28 2017 11:47:33 ARS National Services, Inc.,  
PO Box 463023, Escondido, CA 92046-3023  
514624135 +E-mail/Text: roy.buchholz@allianceoneinc.com Apr 28 2017 11:46:59  
Alliance One Receivable Management, P.O. Box 3107, Southeastern, PA 19398-3107  
514654162 +E-mail/Text: ebn@squaretwofinancial.com Apr 28 2017 11:48:07 CACH, LLC,  
4340 S. Monaco Street, 2nd Floor, Denver, CO 80237-3485  
514624140 +E-mail/Text: ebn@squaretwofinancial.com Apr 28 2017 11:48:07 Cach Llc/Square Two Financial,  
Attention: Bankruptcy, 4340 South Monaco St. 2nd Floor, Denver, CO 80237-3485

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 55

Date Rcvd: Apr 27, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center  
(continued)

514781696 E-mail/PDF: rmscidi@recoverycorp.com Apr 27 2017 22:53:35 Capital Recovery V, LLC,  
c/o Recovery Management Systems Corporat, 25 SE 2nd Avenue Suite 1120, Miami FL 33131-1605  
514633991 E-mail/Text: mrdiscen@discover.com Apr 28 2017 11:47:00 Discover Bank,  
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025  
514624148 +E-mail/Text: mrdiscen@discover.com Apr 28 2017 11:47:00 Discover Fin Svcs Llc,  
Po Box 15316, Wilmington, DE 19850-5316  
514624152 +E-mail/PDF: gecscedi@recoverycorp.com Apr 27 2017 22:53:48 GECRB/Gap, Attn: Bankruptcy,  
Po Box 103104, Roswell, GA 30076-9104  
514624153 E-mail/Text: cio.bnmail@irs.gov Apr 28 2017 11:47:14 Internal Revenue Service,  
P.O. Box 21126, Philadelphia, PA 19114  
514854010 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 27 2017 23:09:55  
Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541  
514800633 E-mail/Text: bnc-quantum@quantum3group.com Apr 28 2017 11:47:38  
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
514914718 E-mail/PDF: gecscedi@recoverycorp.com Apr 27 2017 22:53:48 Synchrony Bank,  
c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605  
514624163 E-mail/Text: bnc@alltran.com Apr 28 2017 11:47:02 United Recovery Systems, LP,  
P.O. Box 722929, Houston, TX 77272-2929

TOTAL: 15

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

1m\* CitiMortgage, Inc., Attn: Customer Research Team, PO Box 10002,  
Hagerstown, MD 21747-0002

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 29, 2017

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 26, 2017 at the address(es) listed below:

Alexandra T. Garcia on behalf of Loss Mitigation Wells Fargo Bank, NA NJECFMAIL@mwc-law.com  
Alexandra T. Garcia on behalf of Creditor Wells Fargo Bank N.A. NJECFMAIL@mwc-law.com  
Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Jessica M. Minneci on behalf of Joint Debtor Debbie D. Ragona jminneci@middlebrookssapiro.com  
Jessica M. Minneci on behalf of Debtor George R. LaBrutto jminneci@middlebrookssapiro.com  
Joseph M. Shapiro on behalf of Joint Debtor Debbie D. Ragona jshapiro@middlebrookssapiro.com  
Joseph M. Shapiro on behalf of Debtor George R. LaBrutto jshapiro@middlebrookssapiro.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Melinda D. Middlebrooks on behalf of Debtor George R. LaBrutto middlebrooks@middlebrookssapiro.com, melindamiddlebrooks@gmail.com  
Melinda D. Middlebrooks on behalf of Joint Debtor Debbie D. Ragona middlebrooks@middlebrookssapiro.com, melindamiddlebrooks@gmail.com  
Phillip B. Linder on behalf of Debtor George R. LaBrutto pbl@linderlawyers.com  
Phillip B. Linder on behalf of Joint Debtor Debbie D. Ragona pbl@linderlawyers.com  
R. A. Lebron on behalf of Creditor CITIMORTGAGE, INC. bankruptcy@feinsuch.com  
R. A. Lebron on behalf of Loss Mitigation CitiMortgage, Inc. bankruptcy@feinsuch.com  
TOTAL: 14